

Race & Class

<http://rac.sagepub.com/>

Total policing: reflections from the frontline

Liz Fekete

Race Class 2013 54: 65

DOI: 10.1177/0306396812464159

The online version of this article can be found at:

<http://rac.sagepub.com/content/54/3/65>

Published by:



<http://www.sagepublications.com>

On behalf of:



[Institute of Race Relations](#)

Additional services and information for *Race & Class* can be found at:

Email Alerts: <http://rac.sagepub.com/cgi/alerts>

Subscriptions: <http://rac.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

>> [Version of Record](#) - Jan 9, 2013

[What is This?](#)

Total policing: reflections from the frontline

LIZ FEKETE

Abstract: Drawing on discussions at a symposium in June 2012, on 'Policing communities: race, class and the state' (organised by the Institute of Race Relations and the Power, Conflict and Justice Research Group, Edge Hill University, in conjunction with the Tottenham Defence Campaign), the author reflects on public order policing, past and present, and traces the ways in which strategies used in Northern Ireland were and are transferred to Britain, especially in relation to black and minority ethnic communities. She draws attention to the ways in which emergency anti-terror legislation and numerous new laws further criminalise and control poor and marginalised communities today. It is only through showing solidarity that a new 'frontline' can be established to protect those communities no longer policed 'by consent', but 'by enforcement'. Further analysis on the implications of policing following the Good Friday Agreement is presented by Daniel Holder in his commentary, 'Police accountability, the Irish peace process and the continuing challenge of secrecy', in this issue.

Keywords: August 2011 riots, Broadwater Farm, closed material procedures, inquests, Mark Duggan, Operation Matrix, Operation Trident, PC Blakelock, Regulation of Investigatory Powers Act, Special Patrol Group, 'war on terror'

The response to the August 2011 'riots' raised the prospect of the further militarisation of English policing along the lines of that already practised in Northern

Liz Fekete is executive director of the Institute of Race Relations and author of *A Suitable Enemy: racism, migration and Islamophobia in Europe* (Pluto, 2009). She has campaigned, researched and written on policing and criminal justice for over two decades.

Race & Class

Copyright © 2013 Institute of Race Relations, Vol. 54(3): 65–76
10.1177/0306396812464159 <http://rac.sagepub.com>

Ireland.¹ The government announced a huge expansion in riot training for police, adding that it would not hesitate to authorise the use of water cannon and plastic bullets in future riot situations.² Another proposal was to give police a general power to impose a curfew in a riot situation,³ with the possibility of extending that curfew in order to 'keep the public off the streets in a given location, for a given period of time'.⁴ This would, according to the civil rights group Liberty, represent an 'extraordinary departure from our greatest traditions of liberty', one that would align the UK with the military dictatorships we 'have been rightly quick to condemn during the uprisings in the Middle East and North Africa'.⁵ Yet, Britain's 'greatest traditions of liberty' were rarely evident in its colonies (including Ireland), where the use of martial law and the imposition of states of emergency were often used to quell resistance.⁶

As the 'riots' raged in England, and as the press and politicians bayed for the restoration of law and order (through the use of curfews, water cannon and plastic bullets, if necessary), Clara Reilly, a formidable community activist in Northern Ireland since the 1970s and a founder of both the United Campaign Against Plastic Bullets and Relatives for Justice, wrote a piece in the *Guardian* urging the British government to 'learn from mistakes made over 40 years in Ireland' and recognise that plastic bullets 'never played a role in resolving difficult and dangerous situations', but generally 'exacerbated them'.⁷

The need for this intervention was a signal that the earlier link between activists fighting for police accountability in Britain and Northern Ireland, established in the 1980s, was now frayed, and a necessary reminder that Ireland has often been the ground upon which methods of control are first tested before being brought to Britain. Now, in the wake of the riots, there were intimations that English policing practices were to be brought in line with the different culture of public order policing that emerged out of forty years of military engagement in Northern Ireland and is still operational today, as demonstrated by the use of both water cannon and plastic bullets during the 'marching season'⁸ and the so-called 'interface riots'.⁹

The conflict in Northern Ireland was always decontextualised; its representation, for some thirty years, as a sectarian war allowed the state to present itself as a neutral force between two opposing sides, rather than an active agent of conflict and mass violence. When the riots took place across England, there was a similar decontextualising; poor communities' everyday experience of the police was not considered a factor in the riots. There was a need, therefore, to discuss the contexts in which public order policing took place.

On 19–20 June 2012, the Institute of Race Relations (IRR) and the Power, Conflict and Justice Research Group at Edge Hill University, in conjunction with the Tottenham Defence Campaign (TDC), hosted a two-day symposium on the policing of black, Muslim, Asian, Irish, Traveller and Gypsy communities at the Bernie Grant Arts Centre in Tottenham, north London.¹⁰ If the symposium were to leave a legacy, it should, organisers thought, begin with an act of solidarity itself: the gathering of representatives and supporters of 'suspect' and 'outcast'

communities in Tottenham, where the August 2011 'riots' began and a stone's throw from the Broadwater Farm estate where young black people had risen up against the police in 1985.

The symposium brought together campaigners, lawyers and scholars from different communities to develop an analysis of contemporary policing and criminal justice. The following organisations were represented: Cageprisoners, Children's Law Centre (Belfast), Coalition Against Secret Evidence, Committee on the Administration of Justice, Garvaghy Road Residents' Association, INQUEST, Irish Chaplaincy in Britain, Irish Council for Prisoners Overseas, Islamic Human Rights Commission, Joint Enterprise – Not Guilty by Association, the Monitoring Group (TMG), National Federation of Gypsy and Traveller Liaison Groups, Newham Monitoring Project, Pat Finucane Centre, Relatives for Justice, Stopwatch, TDC, United Campaign Against Plastic Bullets, and United Families and Friends Campaign. A full report of the proceedings will be published in 2013.

Public order policing: the past in the present

There are significant historical parallels between the invasive policing of the black community in Tottenham and Republican areas of Belfast. In much the same way as areas like Ardoyne are portrayed as the breeding ground for a murderous Republicanism and pathological hatred of the British state, the residents of Broadwater Farm have been stigmatised in the media as inhabitants of a lawless zone, lost to postcode gangs, guns and anti-police hatred. Although plastic bullets are stockpiled by many police forces in the UK, they have, to date, never been fired in England. But this came perilously close on Broadwater Farm in October 1985, when police officers armed with plastic bullets were on the streets of England for the first time. Cynthia Jarrett, an African Caribbean mother of five, suffered a fatal heart attack during a police search on her home, following the arrest of her son for a suspected motoring offence. The next day, as members of the Broadwater Farm Youth Association prepared to protest at Tottenham police station and the police blockaded the estate with riot police drafted in, a violent confrontation between young black people and the police took place. In the fracas, PC Keith Blakelock was murdered, the first officer to be killed in a riot situation since PC Robert Culley was stabbed to death in the Clerkenwell riots of 1883.

This history of youths defending their 'frontline', that 'little bit of England' that is their 'safety zone', was recounted at the symposium by Stafford and Millard Scott, stalwarts of the earlier campaign and now co-founders of the TDC. The August 2011 anti-police riot in Tottenham began in ways that resembled the Broadwater Farm uprising of 1985, following the disastrous police handling of a community demonstration. The aim of the demonstration was to protest against the failure of the police and the Independent Police Complaints Commission (IPCC) to inform the parents of Mark Duggan that he had been fatally shot on 4

August by an officer from the Specialist Firearms Command (CO19), deployed in Tottenham as part of the anti-gun crime initiative Operation Trident. The TDC was set up to defend those young people arrested during the riots and immediately demonised by the press and politicians as 'feral youth',¹¹ inhabiting a subversive culture that ignores 'civilised boundaries'¹² and where 'whites have become black'.¹³ To date, over 250 Tottenham residents have been arrested in connection with Operation Withern, the pan-London police operation into the 'riots'. It is expected to last until 2014, to cost at least £33.5 million and to involve the scrutinising of over 40,000 hours of CCTV footage to track down everyone involved.

A long shadow has been cast over Tottenham for years. Back in 1991, there was police and tabloid fury when the three men who had been convicted of PC Blakelock's murder in 1987 (and sentenced to life imprisonment) were released by the Court of Appeal after it emerged that their confessions had been fabricated by the police. Successive generations growing up on Broadwater Farm have witnessed repeated police raids on the estate as part of the ongoing investigation into PC Blakelock's murder, which was officially reopened in 2003. In 2010, ten men, many of whom were teenagers in 1985, were arrested in connection with Blakelock's murder, with three subjected to stringent bail conditions ever since, despite never being formally charged. It is perhaps no coincidence that, as legal pressure mounts on the Metropolitan police to account for the killing of Mark Duggan, information on the ongoing investigation into Blakelock's murder has been leaked to the press, suggesting that the Crown Prosecution Service (CPS) is ready to charge one of the three bailed men.¹⁴

Public order policing in Britain is shaped or influenced by the military strategy in Northern Ireland in other ways, as Deborah Coles of INQUEST and Suresh Grover of TMG made clear during the discussions. Suresh was a community activist in west London in 1979 when the fascist National Front determined, against the wishes of the mainly Asian residents of the town, to hold a march through the heart of Southall. It became a place under siege and, drafted into Southall that day to prevent clashes between locals with anti-fascist support and fascists, was London's first mobile anti-riot squad, the Special Patrol Group (SPG). Tellingly, the SPG took its name from the SPG counter-terrorism unit within the Royal Ulster Constabulary (RUC), a largely Protestant police force whose failure to protect Catholic communities in Derry and Belfast from Loyalist attacks led to the deployment of the British Army in Northern Ireland in 1969.¹⁵

In line with the RUC's history of one-sided policing and discrimination against the Catholic community, the SPG's operation in Southall was designed to target the local Asian and black communities. Its violent handling of the anti-fascist protest that day led to over 340 arrests, the injuring of countless demonstrators and the bludgeoning to death of the young New Zealand-born teacher Blair Peach.¹⁶ It was his partner Celia Stubbs who, appalled at the lack of transparency over the death and closing of ranks in the force, helped found INQUEST, an

organisation that provides essential support to the families of those who have died in custody.

While the SPG, in the wake of public outrage, was disbanded, public order policing in England was to further evolve on the basis of the Northern Ireland model, thanks to Sir Kenneth Newman, the chief constable of the RUC from 1976–1980, who was drafted in to head the Metropolitan police after the 1981 uprisings in London, Bristol, Liverpool and Moss Side, Manchester. In London, it fell to Newman to help the ‘state learn across itself’¹⁷ by bringing the lessons of public order policing from Belfast to the policing of ‘young West Indians’, whose ‘brand of obstruction and hostility’ has ‘led to deliberately engineered confrontations with the police’.¹⁸ After 1981, Newman introduced ‘targeting’, drawn directly from anti-terrorist police operations in Northern Ireland. Under this policy, police resources (usually in the form of specialist units) were concentrated in ‘high-crime’ areas (i.e. black areas), with particular estates, clubs and meeting places regarded as ‘symbolic locations’ subjected to intense surveillance and military-style operations.¹⁹

Closed justice: making the exceptional normal

One of the key themes to emerge at the symposium was the violence that characterises everyday interactions between the state and ‘suspect communities’. If the failure to incarcerate those who murdered PC Blakelock twenty-five years ago looms large for London’s police officers, the fact that no police officer has ever been convicted for the murder or manslaughter of the 199 black and minority ethnic (BME) people who have died in suspicious circumstances in police custody since 1990 looms larger still in the collective memory of BME communities.²⁰ (For instance, three black people, Roger Sylvester, Joy Gardner and Mark Duggan, have died in such circumstances within a three-mile radius in Tottenham.) In recent years, it has become yet harder to get information as to how a black person met their death in custody. While changes to the justice system, particularly cuts to legal aid, have made legal redress through judicial review less accessible, the anti-terrorist laws and the doctrine of ‘national security’ have further entrenched the growth in state secrecy. The state is becoming more and more secretive, various aspects of policing are becoming covert, and a culture of impunity is developing among the police, who demonstrate contempt for the rule of law. The thirty-one police officers present at the scene of Mark Duggan’s death, backed by the Association of Chief Police Officers (ACPO) and the Police Federation, have undermined the IPCC investigation into his death by refusing to make themselves available for interview and supplying only written statements. In England, if a person dies in custody, an inquest is mandatory, held before a jury and in public. But evidence about police decision making on the day that Mark Duggan was shot dead has been withheld from the coroner in charge of the inquest and his family told that there may never be one because of the sensitive nature of the police operation. Daniel Machover, the lawyer representing the family of Azelle

Rodney, who was shot dead in 2005 in north London by armed officers from the CO19 unit, spoke at the symposium of the threat to open justice posed by the Regulation of Investigatory Powers Act 2000 (RIPA), which prevents disclosure and discussion of intercept evidence (i.e. phone taps) in legal proceedings, including inquests. The inquest into the death of Rodney was abandoned by the coroner on the grounds that it was impossible to proceed because large parts of the witness statements with which he had been presented had been redacted. (This is in line with the reality in Northern Ireland, where some families have waited for decades for an inquest into the death of a loved one.)

The fact that RIPA requires the withholding of intercept evidence and that secrecy is becoming more common across criminal and even civil law shows how far the UK has gone in accepting the growth in covert policing methods and state secrecy. These are the permanent scars that the 'war on terror's' twelve years of successive emergency laws have left on British justice. Anti-terrorist laws remain on the statute book because, as a nation, we have acquiesced in the demonisation of Islam and the creation of enemy images of Muslims. Islamophobia today is the acceptable form of institutional racism.

In England, the Coalition Against Secret Evidence (CASE) monitors and campaigns against the growth of secret evidence, as do Cageprisoners and the Islamic Human Rights Commission (IHRC), members of which told the symposium of the ways in which the Secret Service (MI5) exerts intense pressure on the Muslim community. There are, for instance, the constant stops at ports and airports allowed under Schedule 7 of the Terrorism Act, the prosecution of Islamic book-sellers for selling certain religious classics and the way in which counter-radicalisation programmes are being used to target youth workers and force them to spy on their own communities.

Cageprisoners and the IHRC have already forged links with former political prisoners in Northern Ireland;²¹ they consider themselves the 'new Irish', and they, like the 'hooded men' before them, have experienced state collusion with torture. For the last ten years, governments have resorted time and again to secrecy and special courts on the grounds of the ever-flexible concept of national security. We now have a special court, SIAC (the Special Immigration Appeals Commission), where special measures (known as closed material procedures) are practised. Evidence is presented in closed sessions, from which the appellant and his solicitor are excluded and where the interests of the accused, many of whom live under a form of house arrest, are represented by a 'special advocate' (i.e. security-vetted barristers). But, in 2010, the government failed in its attempt to compel the High Court to introduce closed material procedures in order to avoid liability in a civil action brought by Binyam Mohamed and five other Guantánamo detainees for wrongful detention, rendition and MI5 complicity in their torture and mistreatment abroad. The government, forced to settle with the detainees out of court rather than risk an embarrassing exposure of state secrets, has responded with the Justice and Security Bill, which is going through parliament in Autumn 2012.²² It seeks to expand the use of closed material procedures into civil

proceedings; indeed, *all* cases where national security (never defined) can be invoked. The Bill does not subject inquests to the same rules, but would allow ministers to add inquests (and any other types of proceeding) by regulation, thereby avoiding full parliamentary debate.²³

From policing by consent to enforcement-led wars

In England, from the 1970s to the mid-1990s, there was a network of community organisations and police monitoring groups and a vibrant black voluntary sector speaking out for 'suspect' and 'outcast' communities. Permanent change seemed to have been secured in 1999, when Sir William Macpherson, reporting on his inquiry into the police handling of the murder of Stephen Lawrence, recognised the centrality of institutional racism in the police and other bodies and made tangible recommendations for the reform of policing. The notion subsequently grew that the police had both recognised and dealt with institutional racism, and this despite the fact that the highly unpopular and potentially discriminatory power to stop and search was left virtually untouched by Macpherson²⁴ (officers had merely to account on paper for their actions) and that, after 2001, more and more ways were being introduced to exclude the latest 'suspect community', Muslims, from the ordinary rule of law. In fact, beneath the radar, the criminal justice system was, for certain communities, being shorn of vital legal principles: open justice, proportionality, promptness and equality of arms. The black, Asian, Irish Traveller and Gypsy prison populations massively increased under the impact of New Labour justice reforms, in particular the abolition of trial by jury in serious fraud cases and those where there is a danger of jury tampering; the introduction of a statutory basis for sentence discounts (i.e. plea bargaining); the greater admissibility of both hearsay evidence under the Criminal Justice Act (2003) and anonymous witness evidence since the Criminal Evidence (Witness Anonymity) Act 2008 (replaced by the Coroners and Justice Act 2009); as well as the draconian cuts to legal aid that have reduced access by the poor to decent legal representation.

The Criminal Justice and Public Order Act (1994) had already criminalised trespass. It scrapped the requirement placed on local authorities to provide Gypsies and Travellers with caravan sites, paving the way for the criminalisation of the nomadic lifestyle through constant stop and search and police-led local authority evictions of Travellers from sites such as Dale Farm in Essex. In this case, we witnessed extraordinary scenes in October 2011 when 150 riot police, armed with sledge hammers and axes, stormed the site, even as the elderly and sick lay sleeping. The invention of ever more vaguely defined crimes under Section 57 of the Terrorism Act 2000 (possession of books or items for the purpose of terrorism) and Section 1 of the Terrorism Act 2006 (glorification of terrorism) sent young Muslims to prison to face lengthy sentences for crimes that had previously not even been considered offences. Meanwhile, BME

communities, particularly young African Caribbeans, have been disproportionately affected by the application of the (archaic anti-duelling) doctrine of 'joint enterprise', which is being used to scoop up youngsters perceived to be involved in gang-related activity or knife crimes and hold them all equally to account for a crime when the police and the CPS are unable or unwilling to gather evidence, including forensic evidence, that would prove categorically which individual was responsible for a particular crime.²⁵

The symposium was a learning experience. As participants from a variety of 'suspect communities' shared their insights, it was as though they were putting together pieces of a jigsaw, with the completed puzzle revealing a picture of an enormous and deviant state, greedily accumulating laws and powers. At one end of today's criminal justice system lies pre-emptive policing (based on the actuarial model of policing risk, where one assesses the likelihood of different groups committing crime and targets and incapacitates those groups prior to a crime taking place), while, at the other, lie police enforcement-led wars. Both necessitate the development of covert policing methods, secret evidence and the running of agents, using dubious, illegal methods. In short, what we are faced with today is a 'hybrid criminal justice system', based on a mix of policing methods that 'blur the lines between the police and military, civil law and martial law', in line with 'authoritarian forms of government and colonial strategies of maintaining power within a hybrid crime/war framework'.²⁶

The blurring of lines and policing models is most obvious in London, with the importation of the 'total policing' model pioneered in the US by William Bratton, the former New York police commissioner, following the doctrines of zero tolerance and 'escalating force'.²⁷ Metropolitan police commissioner Bernard Hogan-Howe was previously chief constable of Merseyside, where he set up Operation Matrix, a preventative policing operation involving the deployment of 'disruption squads' tasked with maintaining a highly visible street presence, carrying out armed raids and identifying and permanently harassing anyone with even the most tenuous and indirect connection to guns.²⁸ Hogan-Howe is currently engaged in a project to superimpose the Matrix model onto Operation Trident, the separate command structure within the Metropolitan Police Service, which was operational in Tottenham when Mark Duggan was shot and killed.

When Trident was set up in London in 1998, specifically to provide a more effective response to black-on-black shootings, it had support because the black community was deeply concerned that it was imploding under the impact of crack cocaine and a spiralling gun culture. An Independent Advisory Group (IAG) was set up to ensure consultation and accountability over this most sensitive aspect of policing. But, as Trident operations became more covert and less transparent, support for the IAG fractured. The first public rupture came when the Metropolitan police introduced special measures for witness protection, allowing Trident to make arrests and secure convictions on the basis of 'anonymous evidence'. (The Criminal Evidence [Witness Anonymity] Act 2008 was

rushed through parliament in a day, after the Law Lords ruled that Ian Davis, a man convicted of a gun killing in London on the basis of evidence given by anonymous witnesses, did not receive a fair trial.)²⁹ Then, in February 2012, the Metropolitan commissioner and London mayor Boris Johnson announced that Operation Trident would be extended into a 'gangbuster unit', leading three former members of the IAG to warn remaining members that, unless they too resigned, they risked co-option into a disastrous 'enforcement-led war on gangs' that could only make matters worse.³⁰ Even a former deputy police commissioner and Brixton commander, Brian Paddick, felt that, in London, 'the authority of the police is no longer accepted by an increasingly large number of people. And that, unless this position is reversed, nearly two centuries of policing by consent will have to be abandoned.'³¹

The new frontline is solidarity

What came across at the symposium is the extent to which violence is now structured into the criminal justice system, as individuals from 'suspect communities' are no longer innocent till proven guilty. Policing by consent is based on the notion that the power of the police to fulfil their functions and duties is dependent upon public approval of their existence, actions and behaviour. The use of lethal weapons and lethal force, so often directed at individuals from 'suspect communities', runs contrary to policing by consent. And because the state has been so effective in cordoning groups off as 'special cases', by manipulating fear of 'Islamic terrorists', 'black gangsters', 'Gypsy thieves' and 'criminal chavs', it is securing the transition from policing by consent to policing by enforcement, while maintaining the fiction of policing by consent (i.e. we all consent to the use of force, as long as it's not against us). The strategy leaves the 'pariah groups' feeling defenceless and isolated.

For Stafford Scott, after the Broadwater Farm uprising of 1985, the frontline in the community, which was a physical entity, broke down. The black voluntary sector – a political entity – picked up the baton of frontline politics, but eventually this also broke down under the impact of the local authority contract culture, service provision and management strategies that undermined advocacy and self-help. The way the state creates 'enemy images' and demonises different communities creates a 'brick wall' between the various outcast communities. What emerged from community participants was the need to reconstruct the frontline in the knowledge that, today, this is not a place or ideology, but the very lungs of progressive politics; namely, the living, breathing and vital concept of *solidarity*. It is only by building our own 'wall', they said, not to divide, but to protect people, and by the different communities showing solidarity through forming a 'community of interest' that connects with 'communities of influence', that we can confront the 'joined-up authoritarian state'. It is only this sort of solidarity across communities that can help to fight off the threat of militarised policing and the social control that such 'total policing' ushers in.³²

References

- 1 Although I prefer the term North of Ireland, Northern Ireland is the correct description of the legal jurisdiction referred to in this article.
- 2 Early Day Motion (420) and parliamentary questions have been tabled on the use of plastic bullets. The subsequent written parliamentary (holding) answer provided by Nick Herbert (minister of state for policing and criminal justice) reveals that the government has carried out no reviews of the long-term medical effects of their use, either in Northern Ireland or in other jurisdictions, and that the decision whether to deploy plastic bullets is considered an operational matter for individual police chiefs. In response to a Freedom of Information request made in May 2012 by former Liberal Democrat member of the London Assembly, Dee Doocey, the Metropolitan police confirmed that, since the August 2011 riots, its stockpile of plastic bullets had increased to over 10,000 and that, between 2010–2011, the use of plastic bullets was authorised in the capital on twenty-two occasions. In July 2012, the *Independent* reported that plastic bullets bought from abroad, at a cost of more than £400,000, could not be used, as they did not pass British safety standards; see: <http://www.independent.co.uk/news/uk/politics/400000-bullets-police-couldnt-use-7945541.html>.
- 3 This is currently the subject of a consultation process, although the government seems to be in favour of giving police officers of superintendent rank or above sole power to make operational decisions on the use of a new general power of curfew, while ambivalent on the question of safeguards against misuse of such an arbitrary power; see 'Consultation on police powers to promote and maintain public order' (London, Home Office, October 2011).
- 4 Currently, police curfew powers are limited to the ability to impose a curfew on an individual as a condition of police bail. However, police already have broad powers to designate an area a 'dispersal zone' (under the Anti-Social Behaviour Act 2003 and the Violent Crime Reduction Act 2006), which allows for a ban on individuals from specific areas for up to forty-eight hours, and to impose child curfew zones, between the hours of 9pm and 6am, and escort home any unaccompanied child under the age of 16, irrespective of their behaviour. In 2005, a 15-year-old boy took a test case against the police and, in a landmark ruling, the High Court stated that the law did not grant the police power of arrest. However, the Court of Appeal overruled the High Court the following year.
- 5 Liberty's response to the Home Office's consultation on police powers to promote and maintain public order (London, January 2012) is available at: <http://www.liberty-human-rights.org.uk/pdfs/policy12/liberty-s-response-to-the-home-office-consultation-on-police-powers-to-promo.pdf>.
- 6 In Northern Ireland, until at least the 1970s, many people were shot and killed or seriously injured just for breaking the curfew, for instance during the 1970 Falls curfew and the Ballymurphy massacre of 1971; see Colm Campbell and Ita Connolly, 'A model for the "war against terrorism"? Military intervention in Northern Ireland and the 1970 Falls curfew', *Journal of Law and Society* (Vol. 30, no. 3, September 2003). For more information on the Ballymurphy massacre, see: <http://www.ballymurphy massacre.com/cms>.
- 7 'Riot tactics left police flat footed', Letters, *Guardian* (16 August 2011), available at: <http://www.guardian.co.uk/uk/2011/aug/16/riot-tactics-left-police-flatfooted>.
- 8 Although there are many parades in Northern Ireland, it is the parades organised by the Protestant-Loyalist Orange Order in the run-up to 12 July, the anniversary of the Battle of the Boyne, that are most associated with sectarian violence, as the Orange Order assert its right to march close to, or through, Nationalist or Republican areas. In one of the most recent incidents, on 12 July 2012, plastic bullets and water cannon were deployed after trouble flared when Loyalist marchers passed through the predominantly Catholic Ardoyne neighbourhood of north Belfast.
- 9 The term 'interface' refers to residential areas where Nationalist and Unionist communities meet, and it is in these communities where sectarian tensions often explode into violence.

One of the most notorious incidents in January 2002 involved Holy Cross, a Catholic primary school attended mainly by girls from the Ardoyne area of north Belfast, but located in a nearby mainly Loyalist area. The riot followed months of tension, during which, on a daily basis, the police and the military had to protect Catholic parents and children walking to the school from Loyalist picketers, who shouted sectarian abuse, threw stones, bricks, fireworks, blast bombs and urine-filled balloons.

- 10 There was a precedent, which helped inform the agenda and design of the symposium. In June 2009, Professor Mark McGovern had brought Irish human rights activists and former political prisoners together with Muslim representatives at a symposium at the Cultúrlann McAdam Ó Fiaich, Falls Road, Belfast; see 'Countering terror or counter-productive? Comparing Irish and British Muslim experiences of counter-insurgency law and practice' (Edge Hill University, Liverpool, 2010), available at: <http://www.edgehill.ac.uk/documents/news/CounteringTerror.pdf>.
- 11 See, for example, Ken Clarke, 'Punish the feral rioters, but address the social deficit too', *Guardian* (5 September 2011), available at: <http://www.guardian.co.uk/commentisfree/2011/sep/05/punishment-rioters-help>.
- 12 See speech by Education Minister Michael Gove delivered at Durand Academy, Stockwell, south London, as cited in the *Guardian* (1 September 2011), available at: <http://www.guardian.co.uk/politics/2011/sep/01/michael-gove-physical-force-schools>.
- 13 In a BBC *Newsnight* (12 August 2011) discussion about the riots, the historian David Starkey said that:

The whites have become black. A particular sort of violent, destructive, nihilistic gangster culture has become the fashion, and black and white, boy and girl, operate in this language together. Its language, which is wholly false, which is this Jamaican patois that has been intruded in England, and this is why so many of us have this sense of literally a foreign country.
- 14 At the time of writing, it seems likely that the evidence against this man is being provided either by 'assisting offenders' (colloquially referred to as 'supergrasses'), who, under the Serious Organised Crime and Police Act (2005), can be given immunity from prosecution or a discounted sentence, in return for giving evidence, or by the testimony of 'anonymous witnesses', allowed under the Coroners and Justice Act 2009.
- 15 Initially, in a 'peacekeeping role', the British Army ended up staying for thirty-seven years, the longest deployment in British army history.
- 16 Thirty-one years after Blair Peach's death and in the wake of the killing in 2009 of Ian Tomlinson at the G20 summit, the police released 3,000 documents into Peach's death, including an investigation, suppressed by the coroner at the inquest in 1980, which had found that police officers from the SPG were responsible for.
- 17 The phrase is Mark McGovern's.
- 18 New Scotland Yard, press release (24 January 1983).
- 19 See *Policing Against Black People* (London, Institute of Race Relations, 1987).
- 20 See INQUEST, 'BAME deaths in police custody', available at: <http://inquest.gn.apc.org/web-site/statistics/deaths-in-police-custody/bme-deaths-in-police-custody>.
- 21 For instance, Moazzam Begg was an honoured guest at the launch of the Free Museum of Derry.
- 22 Two earlier attempts to introduce closed procedures into inquests (in the Counter-Terrorism Bill 2008 and the Coroners and Justice Bill 2009) were defeated in parliament following public campaigns, and the proposal in the Justice and Security Green Paper to extend closed material procedures to inquests was dropped in the Bill because of the level of resistance.
- 23 See Frances Webber, 'The Justice and Security Bill will diminish accountability', *IRR News* (5 July 2012), available at: <http://www.irr.org.uk/news/the-justice-and-security-bill-will-diminish-accountability>.

- 24 Stop and search grew exponentially under the impact of Section 60 of the Criminal Justice and Public Order Act 1994, which allows police to stop individuals without reasonable suspicion 'in anticipation of violence', and under Section 44 of the Terrorism Act 2000, which gave police similar powers in the context of terrorism. In 2010, the European Court of Human Rights condemned the stop and search powers under Section 44 in the case of *Gillan and Quinton* and, in July 2012, they were replaced by more limited powers.
- 25 See 'Joint enterprise, racism and BME communities – an interview with Gloria Morrison', *IRR News* (1 February 2012); also House of Commons Justice Committee, *Joint Enterprise: eleventh report of Session 2010–12* (HC 1597), available at: www.parliament.uk/justicecom.
- 26 Jude McCulloch and Sharon Pickering, 'Pre-crime and counter terrorism: imagining future crime in the "war on terror"', *British Journal of Criminology* (Vol. 49, no. 5, 2009).
- 27 See Jon Burnett, 'Reshaping the criminal justice system after the riots', *IRR News* (24 August 2012), available at: <http://www.irr.org.uk/news/reshaping-the-criminal-justice-system-after-the-riots>; also Rachel Herzog, 'Resisting the Bratton brand: lessons from the US', *IRR News* (24 August 2011), available at: <http://www.irr.org.uk/news/resisting-the-bratton-brand-lessons-from-the-us>.
- 28 The official name for those targeted is 'gun crime nominals', who are classified under three levels of risk: bronze, silver and gold. Once identified, a suspect will receive a hand-delivered letter from a Matrix Unit warning them that the police, working in concert with local statutory agencies and the CPS, will use 'all available tactics' of dissuasion, including surveillance, the taking of children into care, eviction and imposing Anti-social Behaviour Orders; see David Rose, 'The guns go quiet over the Mersey', *Daily Mail* (3 April 2010), available at: <http://www.dailymail.co.uk/home/moslive/article-1262573/The-guns-quiet-Mersey-321-police-officers-Liverpool-slashed-firearm-crime.html>.
- 29 The Law Lords said in their ruling: 'No conviction should be based solely or to a decisive extent upon the statements and testimony of anonymous witnesses.' The Metropolitan police said it was 'very concerned' by the ruling, which could impact on gang crime operations. The 2008 Act was a temporary emergency measure, lasting for just one year, but its anonymity provisions were placed on a permanent footing by the Coroners and Justice Act 2009.
- 30 Dave Hill, 'Boris Johnson is accused of "malign neglect" of black Londoners' relationship with Met police', Crime and Justice Blog, *Guardian* (17 February 2012), available at: <http://www.guardian.co.uk/politics/crime-and-justice-blog/2012/feb/17/black-activists-youth-crime-london-police>.
- 31 Brian Paddick, 'London is increasingly policed by force not consent – thanks to its mayors', Comment is free, *Guardian* (8 February 2012), available at: <http://www.guardian.co.uk/commentisfree/2012/feb/08/london-police-force-consent-mayor>.
- 32 This paragraph amalgamates points made at the symposium by Millard Scott, Stafford Scott, Mark McGovern, Lee Bridges and Breandán Mac Cionnaith of the Garvaghy Road Residents' Association.